

THURSDAY, JULY 16, 1998

No minutes for July 16, 1998

FRIDAY, JULY 17, 1998

Civil Marriage of SHARON BROOKS STEARNS AND TIMOTHY STEARNS  
No. SHARON BROOKS STEARNS  
C028299 v.

Civil TIMOTHY H. STEARNS  
No. SHARON C. BROOKS

C028879 v.  
TIMOTHY H. STEARNS  
BY THE COURT:

The motion of Sharon Brooks Stearns for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, If copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellant's combined opening brief is due on or before September 1, 1998

Dated: July 17, 1998

BLEASE, Acting P.J.

At 9:30 a.m. the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: PUGLIA, Presiding Justice  
BLEASE, Associate Justice  
RAYE, Associate Justice

Bailiff: Rios.  
Calendar Called.

Civil MILDRED WINONA RIDGE  
No. v.  
C027611 ELIZABETH ANN RUYAK SWANSON  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

Cause called. Stephen R. Chew, of Cunco, Black, Ward & Missler argued for Intervenor-Appellant. David G. Crowdis, of Brace And Crowdis argued for Plaintiff-Respondent. Cause submitted.

FRIDAY, JULY 17, 1998 CONTINUED

Civil                   SIERRA CLUB ET AL.  
No.                       v.  
C027501               CITY OF LATHROP  
                          GOLD RUSH CITY HOLDING COMPANY ET AL.

Cause called. Susan Brandt-Hawley, of Brandt-Hawley & Zoia argued for Plaintiffs-Appellants Sierra Club Et Al. Steven A. Herum, of Herum, Crabtree, Dyer, Zolezzi & Terpstra argued for Real Party in Interest-Respondents. Susan Burns Cochran, City Attorney argued for Defendant-Respondent. No appearance was made on behalf of Plaintiff-Appellant San Joaquin Farm Bureau Federation. Cause submitted.

At 10:25 a.m., court recessed. At 10:29 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Morrison, and Associate Justice Raye.

Civil                   PATSY RYLANCE  
No.                       v.  
C027103               ELAINE PETERSON

Cause called. Patsy Rylance argued for herself in pro per as Plaintiff-Appellant. Eliane Peterson argued for herself in pro per as Defendant.-Respondent. Cause submitted.

Court adjourned at 10:40 a.m., until 9:30 a.m., Monday, July 20, 1998

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Civil                   JOHN MICHAEL LEDDY                   (Not for Publication)  
NO.                       v.  
C028260               JOHN ERWIN ET AL.

The judgment is reversed. Appellant shall recover costs on appeal.  
BLEASE, Acting P.J.

We concur:           MORRISON, J.  
                          CALLAHAN, J.

MONDAY, JULY 20, 1998

At 9:35 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           BLEASE, Acting Presiding Justice  
                   NICHOLSON, Associate Justice  
                   CALLAHAN, Associate Justice

Bailiff: Conrad  
 Calendar Called.

Civil            MARRIAGE OF BUTLER  
 No.             CAROLINE E. BUTLER  
 C026651        v.  
                   RAYMOND W. BUTLER

Cause called. Caroline E. Butler argued for Herself as Appellant.  
 William D. Kopper argued for Respondent. Cause submitted.

At 9:51 a.m., court recessed. At 9:55 a.m., court reconvened with the same panel except Associate Justice Hull in place of Associate Justice Callahan.

Civil            WANDA PETLOCK  
 No.             v.  
 C026794        TWIN OAKS NURSING AND REHABILITATION

Cause called. Jack C. Laufenberg argued for Plaintiff-Appellant.  
 James T. Cahalan, of Orrick, Herrington & Sutcliffe argued for Defendant-Respondent-Defendant. Cause submitted.

At 10:16 a.m., court recessed. At 10:21 a.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Nicholson.

Civil            FRANK P. WALKER  
 No.             v.  
 C027069        COMMISSION ON TEACHER CREDENTIALING

Cause called. Kenneth M. Foley argued for Plaintiff-Appellant.  
 Paul Reynaga, Deputy Attorney General argued for Defendant-Respondent.  
 Cause submitted.

MONDAY, JULY 20, 1998 CONTINUED

At 10:44 a.m., court recessed. At 2:03 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Callahan.

Civil LUCILA LEDESMA

No. v.

C027705 DEPARTMENT OF HEALTH SERVICES

Lucila Ledesma argued for Herself in Pro Per as Plaintiff-Appellant. Alicia M.B. Fowler, Deputy Attorney General argued for Defendant-Respondent. Cause submitted.

Civil VIRGINIA T. GONZALES ET AL.

No. v.

C025101 INGRID ANNA TRACY ET AL.

Cause called. Leandro H. Duran argued for Plaintiff-Appellants with additional citations. Joel P. Franciosa, of McLemore, Collins & Toschi argued for Defendants-Respondents. George D. McLemore, of McLemore, Collins & Toschi appeared for Defendants-Respondents. Cause submitted.

Civil In re marriage of COHN

No. HOWARD E. COHN

C027700 v.

PATRICIA O. COHN

Cause called. Howard E. Cohn argued for Appellant. Harrison L. Goodwin argued for Respondent. Cause submitted.

Civil ROBERT NARAYAN

No. v.

C024694 HOWARD KLEIN

Cause called. Jeffrey L. Aran argued for Plaintiff-Appellant with additional citations. Paul A. Dorris, of Wilke, Fleury, Hoffelt, Gould & Birney argued for Defendant-Respondent. Cause submitted.

MONDAY, JULY 20 1998 CONTINUED

At 3:53 p.m., court recessed. At 3:56 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison, and Associate Justice Hull.

Civil                    CHARLES P. BURNS  
No.                        v.  
C027677                STATE PERSONNEL BOARD  
                             DEPARTMENT OF JUSTICE

Cause called. Charles P. Burns argued for Himself in Pro Per as Plaintiff-Appellant. Marybelle D. Archibald, Deputy Attorney General argued for Real Party In Interest-Respondent. There was no appearance on behalf of Defendant-Respondent. Cause submitted.

Court adjourned at 4:41 p.m., until 9:30 a.m., Wednesday, July 22, 1998.

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Juvenile                PAMELA D.                (Not for Publication)  
No.                        v.  
C029554                SUPERIOR COURT, SACRAMENTO COUNTY  
                             DEPARTMENT OF HEALTH & HUMAN SERVICES

Let a peremptory writ issue commanding the respondent juvenile court to hold a new status review hearing to permit petitioner to present evidence and/or cross-examine the social worker on the issue of whether further efforts at reunification are the best alternative for the minors. The request for stay is denied as moot. This decision is final forthwith. (Cal. Rules of Court, rule 24 (d).)

SCOTLAND, Acting P.J.

We concur:            NICHOLSON, J.  
                             HULL, J.

MONDAY, JULY 20, 1998 CONTINUED

Juvenile JANET E., ET AL. (Not for Publication)  
 No. v.  
 C029451 SUPERIOR COURT, SACRAMENTO COUNTY  
 DEPARTMENT OF HEALTH & HUMAN SERVICES

Mother's petition is denied. As to the defacto parents' petition, let a peremptory writ of mandate issue directing respondent court to (1) strike the premature findings that guardianship is appropriate for Samantha and that there is a suitable adult to assume the guardianship, and (2) strike the portion of the order that limits the scope of the .26 hearing to the question of guardianship. This decision is final forthwith. (Cal. Rules of Court, rule 25 (d).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.  
 HULL, J.

Crim. THE PEOPLE (CERTIFIED FOR PUBLICATION)  
 No. v.  
 C023065 OLGA CLAUDIA RIVERA

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.  
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C025322 ELDEN GENE HARDCASTLE

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
 NICHOLSON, J.

TUESDAY, JULY 21, 1998

Crim. THE PEOPLE  
No. v.  
C024401 STEVEN BETTI  
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: July 21, 1998

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C025582 ARTHUR CHARLES LIGGINS

The judgment is modified to make the term imposed for defendant's assault with a deadly weapon conviction two years resulting in a total term of twenty years in state prison. We direct that the trial court correct the judgment and send a copy of the same to the Department of Corrections. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

TUESDAY, JULY 21, 1998

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C024034 ROBERTT DENTON EXON

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.  
DAVIS, J.

Crim. PATSY RYLANCE (Not for Publication)  
No. v.  
C027103 ELAINE PETERSON

The judgment is affirmed. Defendant to recover costs on appeal.

PUGLIA, P.J.

We concur: MORRISON, J.  
HULL, J.



## TUESDAY, JULY 21, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C027857 BRIAN LEE JONES  
The judgment is affirmed.  
BLEASE, J.  
We concur: PUGLIA, P.J.  
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C027288 TROY MITCHELL NAYLOR  
The judgment is affirmed.  
BLEASE, J.  
We concur: PUGLIA, P.J.  
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028130 SUPERIOR COURT OF SAN JOAQUIN COUNTY  
GLENN LEE STEWARD

We have complied with the procedural prerequisites for issuance of a writ in the first instances. ...Let a peremptory writ of mandate issue., directing the respondent superior court to vacate its orders dismissing defendant's prior convictions and granting defendant probation, and resentence defendant according to law.

PUGLIA, P.J.

We concur: SIMS, J.  
NICHOLSON, J.

WEDNESDAY, JULY 22, 1998

Crim. THE PEOPLE  
No. v.  
C026841 EDWARD WILLIAM HEFFNER  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
Dated: July 22, 1998  
PUGLIA, P.J.

WEDNESDAY, JULY 22, 1998 CONTINUED

Civil  
No.  
C029439

The Conservatorship of ROBERT WENDLAND  
FLORENCE WENDLAND ET AL.

v.

ROBERT WENDLAND ET AL.

BY THE COURT:

Cross-appellants' petition for reinstatement is granted. The decision filed on June 26, 1998, is vacated and the cross-appeal is reinstated. The statutory filing fee for the cross-appeal is due on or before July 31, 1998.

Dated: July 21, 1998

BLEASE, Acting P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice  
SCOTLAND, Associate Justice  
CALLAHAN, Associate Justice

Bailiff: Conrad.  
Calendar Called.

Civil  
No.  
C023931

ANDREW SILLER ET AL.

v.

CHARLES W. SILLER

Cause called. Edward Friedberg argued for X-Complainant-Respondent with additional citations. Chester Morris, of Rich, Fuidge, Morris & Iverson argued for X-Defendant-Appellant. Cause submitted. (Consolidated with C026462).

Civil  
No.  
C026462

CHARLES W. SILLER

v.

ANDREW SILLER ET AL.

Cause called. Edward Freidberg argued for Plaintiff-Appellant with additional citations. Chester Morris, of Rich, Fuidge, Morris & Iverson argued for Defendant-Respondent Andrew Siller. Al J. Carrion appeared for Defendants-Respondents Neal Siller et al. Martin H. Dodd, of Marron & Reid appeared for Defendant-Respondent Siller Brothers, Inc. Cause submitted. (Consolidated with C023931).

WEDNESDAY, JULY 22, 1998 CONTINUED

Civil CHARLES W. SILLER  
No. v.  
C023906 NEAL SILLER

Cause called. Edward Freidberg argued for Plaintiff-X-Defendant-Appellant. Al J. Carrion argued for Defendant-X-Complainant-Respondent. Cause submitted.

Civil ANDREW SILLER  
No. v.  
C026771 DOS RIOS LAND COMPANY ET AL.

Paul Ryan Minasian, of Minasian, Spruance, Baber, Meith Soares & Sexton argued for Plaintiff-X-Defendant-Respondent. John E. Cassinat argued for Defendant-X-Complainants-Appellants Mark Lavy et al. John E. Cassinat argued for Defendant-X-Complainant-Appellant Dos Rios Land Company. Cause submitted.

Court adjourned at 11:23 a.m., until Thursday, July 23, 1998.

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Civil 1000 FRIENDS OF FRESNO ET AL. (Not for Publication)  
No. v.  
C027587 JAMES PATTERSON, as MAYOR, ETC. ET AL.

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.  
HULL, J.

Civil LUCILA LEDESMA (Not for Publication)  
No. v.  
C027705 DEPARTMENT OF HEALTH SERVICES

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

The judgment is reversed. The trial court is instructed to vacate its order granting summary judgment and enter a new order as follows: Twin Oaks's motion for summary adjudication is granted as to the third and fourth causes of action. Twin Oaks's motion for summary adjudication is denied as to the fifth cause of action. The parties shall bear their own costs on appeal.

We concur:           BLEASE, Acting P.J.  
                              NICHOLSON, J.

The judgment is affirmed. Respondents shall recover their costs on appeal. ...

We concur:           BLEASE, Acting P.J.  
                                  CALLAHAN, J.

The judgment is affirmed.

We concur:           BLEASE, Acting P.J.  
                                  MORRISON, J.

THURSDAY, JULY 23, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           BLEASE, Acting Presiding Justice  
                  DAVIS, Associate Justice  
                  SCOTLAND, Associate Justice

Bailiff: Rios.  
Calendar Called.

Civil               RICHARD SABATH

No.                v.

C028004       WORKERS' COMPENSATION APPEALS BOARD ET AL.

Cause called. Jane E. Naekel, of Jones, Clifford, McDevitt, Naekel & Johnson argued for Petitioner. Don E. Clark, of Krimen, DaSilva, Daneri, Bloom & Landsiedel argued for Respondent Department of Highway Patrol. There was no appearance made on behalf of Respondent WCAB. Cause submitted.

Crim.             THE PEOPLE

No.                v.

C026615       RUSSELL WAYNE COOLEY

Cause called. Deborah Redican Schulte, court appointed argued for Defendant-Appellant. Virna DePaul-Meyers, Deputy Attorney General, argued for Plaintiff-Respondent. Cause submitted

Civil             ADOR LOPEZ

No.                v.

C027411       JOE ENOS

Cause called. Nelson C. Barry, of Bishop, Barry, Howe, Haney & Ryder argued for Defendant-Appellant. David G. Knitter, of Gaw, VanMale, Smith, Myers & Miroglio argued for Plaintiff-Respondent. Cause submitted.

Court adjourned at 11:00 a.m., until 9:30 a.m., Friday, July 24, 1998

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THURSDAY, JULY 23, 1998 CONTINUED

Civil                    CHRISTY SANTANGELO                    (Certified for Publication)  
 No.                    v.  
 C027317              ALLSTATE INSURANCE COMPANY  
                          The judgment (order) is affirmed. Allstate shall recover its costs on  
                          appeal.

SIMS, Acting P.J.

We concur:            DAVIS, J.  
                          NICHOLSON, J.

Civil                    CHARLES P. BURNS                    (Not for Publication)  
 No.                    v.  
 C27677              STATE PERSONNEL BOARD  
                          DEPARTMENT OF JUSTICE  
                          The judgment is affirmed.

HULL J.

We concur:            BLEASE, Acting P.J.  
                          MORRISON, J.

Crim.                    THE PEOPLE                    (Not for Publication)  
 No.                    v.  
 C026194              STEVEN MICHAEL BROWN  
                          The judgment is affirmed.

BLEASE, Acting P.J.

We concur:            SCOTLAND, J.  
                          NICHOLSON, J.

Crim.                    THE PEOPLE                    (Certified for Publication)  
 No.                    v.  
 C027662              DARLENE LYN CHAMBERS

The judgment is modified by striking the \$500 restitution fine imposed by the trial court. The \$200 restitution fine remains in force. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. (CERTIFIED FOR PUBLICATION.)

NICHOLSON, J.

We concur:            SIMS, Acting P.J.  
                          DAVIS, J.

FRIDAY, JULY 24, 1998

At 9:30a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           NICHOLSON, Acting Presiding Justice  
                   RAYE, Associate Justice  
                   MORRISON, Associate Justice

Bailiff: Rios.  
 Calendar Called.

Crim.           THE PEOPLE  
 No.             v.  
 C024780       JEROME MARKEY

Michael Satris, court appointed counsel argued for Defendant-Appellant. Paul E. O'Connor, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 9:50 a.m., court recessed. At 9:55 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Nicholson.

Civil           JAMES E. MOORE, ETC. ET AL.  
 No.             v.  
 C026943       WILLIAM K. MORGAN

William J. Portanova argued for Plaintiff-Appellant James E. Moore. and Plaintiff-Appellant S.J.M. Partnership. Louis A. DeMers, of DeMers & Donovan argued for Defendant-Respondent. Cause submitted.

Court adjourned at 10:11 a.m., until 9:30 a.m., Monday, July 27, 1998

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FRIDAY, JULY 24, 1998 CONTINUED

Civil                    PAUL C. ACREE ET AL.                    (Not for Publication)  
No.                        v.  
C024270                GENERAL MOTORS ACCEPTANCE CORP.

The order issuing an injunction is reversed and the matter remanded to the trial court with directions to deny injunctive relief as to the two practices at issue in this appeal. GMA shall recover its costs on appeal.

PUGLIA, P.J.

We concur:                DAVIS, J.  
                                 CALLAHAN, J.

Civil                    In re the marriage of CAROLINE E. AND RAYMOND W. BUTLER  
No.                        CAROLINE E. BUTLER                    (Not for Publication)  
C026651                v.  
                                 RAYMOND W. BUTLER

The order is affirmed.

BLEASE, Acting P.J.

We concur:                NICHOLSON, J.  
                                 CALLAHAN, J.

Civil                    MILDRED WINONA RIDGE                    (Not for Publication)  
No.                        v.  
C027611                ELIZABETH ANN RUYAK SWANSON  
                                 SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

The order is affirmed.

RAYE, J.

We concur:                PUGLIA, P.J.  
                                 BLEASE, J.

Crim.                    THE PEOPLE                    (Not for Publication)  
No.                        v.  
C026947                WALTER JOHN HART

The money judgment entered April 28, 1997, is vacated. The conditions of probation are modified to delete the requirement to pay the costs of preparation of the probation report and of probation supervision, however, the order that defendant pay such costs is affirmed. As modified, the probation order (judgment) is affirmed.

MORRISON, J.

We concur:                PUGLIA, P.J.  
                                 RAYE, J.



MONDAY, JULY 27, 1998

At 9:32 .am., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           SIMS, Acting Presiding Justice  
                  NICHOLSON, Associate Justice  
                  MORRISON, Associate Justice

Bailiff: Conrad.  
Calendar Called.

Civil               FRANCISCO SILVA, JR.  
No.                v.  
C027524       WORKERS' COMPENSATION APPEALS BOARD ET AL.

Cause called. S. Curtis Winter, of Mastagni, Holstedt & Chiurazzi argued for Petitioner. Douglas C. Sparks, of Twohy, Darneille & Frye argued for Respondent City of Sacramento. No appearance was made on behalf of Respondent W.C.A.B. Cause submitted.

At 9:50 a.m., court recessed. At 10:02 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Hull.

Crim.            THE PEOPLE  
No.                v.  
C026916       ELWOOD DUANE HAYES, JR.

Cause called. Gary V. Crooks, court appointed counsel argued for Defendant-Appellant. Matthew L. Cate, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:19 a.m., court recessed. At 10:21 a.m., court reconvened with the same panel except Acting Presiding Justice Sims in place of Associate Justice Nicholson.

Civil            MARSHALL WORLEY CONSTRUCTION, INC.  
No.                v.  
C025799       L. BYRON CULVER

Cause called. Rodney J. Key argued for Defendant-Appellant. Mark D. Norcross, of Moss & Enochian argued for Plaintiff-Respondent. Cause submitted.

MONDAY, JULY 27, 1998 CONTINUED

Civil           TIM ZLENDICK  
No.             v.  
C025877       HARRELL MOTORS, INC.  
                  FORD MOTOR COMPANY

Cause called. David S. Killoran, of Bowman and Brooke argued for Defendant-X-Defendant-Appellant. Russell E. Norstrom, of Benedon & Serlin argued for Plaintiff-Respondent. Gerald M. Serlin, of Benedon & Serlin appeared for Plaintiff-Respondent. David J. Bills, of Rust, Armenis Schwartz, Lamb & Bills appeared for Defendant-Complainant-Respondent. Cause submitted.

At 11:27 a.m., court recessed. At 2:00 p.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Hull.

Crim.           THE PEOPLE  
No.             v.  
C024527       EDWARD ARTHUR GLUGOSKI ET AL.

Cause called. M.D. Miller, court appointed counsel argued for Defendant-Appellant Jannette Johnston. Christine Vento, court appointed counsel argued for Defendant-Appellant Edward Glugoski. Matthew L. Cate, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 2:30 p.m., court recessed. At 2:33 p.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Hull.

Civil           MARK STUCK ET AL.  
No.             v.  
C026255       JACK RICE

Cause called. David L. Price argued for Defendant-Appellant-X-Respondent. Brendon Ishikawa, argued for Plaintiff-Respondents-X-Appellant. Cause submitted.

CLYDE PRIEST, A MINOR, ETC.  
v.  
CITY OF STOCKTON

Cause called. Marguerite E. Meade, of Gwilliam, Ivory, Chiosso, Cavalli & Brewer argued for Plaintiff-Appellant. Richard W. Taylor, City Attorney argued for Defendant-Respondent. Cause submitted.

At 3:21 p.m., court recessed. At 3:26 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Hull, and Associate Justice Nicholson in place of Associate Justice Davis.

BOYD M. HALVORSEN, SR.  
v.  
ARAMARK UNIFORM SERVICES, INC. ET AL.

Cause called. Rober L. Tamiatti argued for Plaintiff-Appellant with additional citations. James D. Struck argued for Defendants-Respondents. Cause submitted.

Court adjourned at 3:54 p.m., until 9:30 a.m., Monday August 17, 1998.

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In re the Marriage of HOWARD E. and PATRICIA O. COHN  
HOWARD E. COHN (Certified for Publication)  
v.  
PATRICIA O. COHN

That portion of the judgment ordering Howard to pay temporary and permanent child and support is reversed. The cause is remanded to the trial for further proceedings consistent with this opinion. Howard shall recover costs on appeal. (CERTIFIED FOR PUBLICATION)

CALLAHAN, J.

We concur:           BLEASE, Acting P.J.  
                                  NICHOLSON, J.

MONDAY, JULY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C025473 GILBERT ANTHONY CHAVEZ ET AL.

The trial court is directed to correct the minute entry of Chavez's judgment to specify a restitution fine or \$200 instead of \$10,000, and to send a copy of this corrected minute entry to the Department of Corrections. The judgments are affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.  
 HULL, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026685 MARCOS ANTONIO GUTIERREZ

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.  
 HULL, J.

Civil In re the Marriage of GLENN D. and PATTI D. MURPHEY  
 No. GLENN D. MURPHEY (Not for Publication)  
 C027923 v.  
 PATTI D. MURPHEY

The portion of the judgment determining the rights of the parties in the Bishop Avenue property and awarding Patti \$16,000 is reversed and the matter remanded to the trial court for proceedings to calculate the parties' interests in the real property. The judgment is affirmed in all other respects. The parties shall bear their own costs on appeal.

MORRISON, J.

We concur: PUGLIA, P.J.  
 HULL, J.

TUESDAY, JULY 28, 1998

Civil JAMES E. MOORE, individually and as General Partner, ETC. ET AL.  
No. v. (Not for Publication)  
C26943 WILLIAM K. MORGAN

The judgment is affirmed.

SIMS, J.

We concur:           BLEASE, Acting P.J.  
                              NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C023425 ROLLINER WEATHERSPOON

The judgment is affirmed.

MORRISON, J.

We concur:           SIMS, Acting P.J.  
                                  CALLAHAN, J.

Civil  
No.  
C027501

SIERRA CLUB ET AL. (Not for Publication)  
v.  
CITY OF LATHROP  
GOLD RUSH CITY HOLDING COMPANY INC.

The judgment (order of dismissal) is reversed as to the second count of the petition and, the order awarding costs is vacated; with those exceptions, the order of dismissal is affirmed. The parties shall bear their own costs of this appeal.

BLEASE, J.

We concur:           PUGLIA, P.J.  
                                  RAYE, J.

Civil                    MARRIAGE OF KIMBERLY J. AND ARTURO G. FELIX  
No.                    KIMBERLY J. FELIX                    (Not for Publication)  
C027166            v.

ARTURO G. FELIX

The judgment is affirmed.

RAYE, J.

We concur: SCOTLAND, Acting P.J.  
HULL, J.

TUESDAY, JULY 28, 1998 CONTINUED

Civil                    RACHEL F.                    (Not for Publication)  
 No.                    v.  
 C029468              SUPERIOR COURT, YOLO COUNTY  
                          DEPARTMENT OF SOCIAL SERVICES  
                          The petition and request for a stay are denied.  
    SCOTLAND, Acting P.J.

We concur:              NICHOLSON, J.  
                                  MORRISON, J.

WEDNESDAY, JULY 29, 1998

Civil                    BRUCE FLEMING  
 No.                    v.  
 C029010              BERNHARD KRETEN  
                          BY THE COURT:  
                          Appellant's petition for rehearing (reinstatement) is denied. The  
                          superior court's unsigned minute order of February 27, 1998, is not an  
                          appealable final judgment. (See Code of Cvi. Pro., sec 581d.)  
                          Dated:              July 29, 1998  
    PUGLIA, P.J.

Civil                    PHILIP ALLAN FANONY ET AL.              (Not for Publication)  
 No.                    v.  
 C026517              WELLS FARGO BANK  
                          The judgment is affirmed. Defendant shall recover its costs on  
                          appeal.  
    RAYE, J.

We concur:              SCOTLAND, Acting P.J.  
                                  HULL, J.

Civil                    ADOR LOPEZ                    (Not for Publication)  
 No.                    v.  
 C027411              JOE ENOS  
                          The order denying attorney fees is affirmed.  
    SCOTLAND, J.

We concur:              BLEASE, Acting P.J.  
                                  DAVIS, J.

WEDNESDAY, JULY 29, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C026615 RUSSELL WAYNE COOLEY.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028424 RUBEN MARK LOPEZ

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028424 RUBEN MARK LOPEZ

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C026332 RANDALL CHARLES PADILLA

The judgment is affirmed. The superior court is directed to amend the second abstract of judgment to reflect section 667, rather than 677, as the basis for the enhancement and double strike, and to forward a copy of the amended abstract to the Department of Corrections.

SIMS Acting P.J.

We concur: MORRISON, J.  
CALLAHAN, J.

WEDNESDAY, JULY 29, 1998 CONTINUED

Civil	CHARLES W. SILLER	(Not for Publication)
No.	v.	
C023906	NEAL SILLER	

The judgment is affirmed. Neal shall recover costs on appeal.

CALLAHAN, J.

We concur:           SIMS, Acting P.J.  
                              SCOTLAND, J.

Civil	ANDREW SILLER	(Not for Publication)
No.	v.	
C026771	DOS RIOS LAND COMPANY ET AL.	
	LAVY BROTHERS	

v.  
ANDREW SILLER

The judgment in favor on Andrew Siller on his motions for summary judgment and summary adjudication is reversed. Defendants and cross-complainants shall recover costs on appeal.

CALLAHAN, J.

We concur:           SIMS, Acting P.J.  
                              SCOTLAND, J.

Civil	ANDREW SILLER ET AL.	(Not for Publication)
No.	v.	
C023931	CHARLES W. SILLER	
Civil	CHARLES W. SILLER	
No.	v.	
C026462	ANDREW SILLER ET AL.	

The judgment is affirmed. Respondents shall recover costs on appeal.

CALLAHAN, J.

We concur:           SIMS, Acting P.J.  
                              SCOTLAND, J.



WEDNESDAY, JULY 29, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C025218 STEPHEN GERARD BARROS

The judgment is reversed as to the convictions for violating Vehicle Code section 10851 and Penal Code section 496. In all other respects the judgment is affirmed. ...

MORRISON, J.

We concur: NICHOLSON, Acting P.J.  
 CALLAHAN, J.

Civil MARSHALL WORLEY CONSTRUCTION, INC.  
 No. v. (Not for Publication)  
 C025799 L. BYRON CULVER

The judgment is affirmed. Plaintiff shall recover its costs on appeal.

HULL, J.

We concur: SIMS, Acting P.J.  
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026916 ELWOOD DUANE HAYES, JR.

The judgment is reversed and the cause remanded to the superior court. ...

DAVIS, Acting P.J.

We concur: NICHOLSON, J.  
 HULL, J.

Civil WILLIAM G. KIRKPATRICK, ET AL., as Co-Trustees, etc.  
 No. v. (Certified for Partial Publication)C026817  
 WESTAMERICA BANK

The judgment is affirmed. (CERTIFIED FOR PARTIAL PUBLICATION)

BLEASE, Acting P.J.

We concur: MORRISON, J.  
 HULL, J.

WEDNESDAY, JULY 29, 1998 CONTINUED

Civil ANNA S. (Not for Publication)  
 No. v.  
 C029330 SUPERIOR COURT, COUNTY OF ELDORADO  
 DEPARTMENT OF SOCIAL SERVICES, ET AL.

Let a peremptory writ of mandate issue commanding respondent juvenile court (1) to vacate its order denying reunification services and setting a hearing pursuant to section 366.26 and (2) to reset the case for a new disposition hearing at which the court shall properly apply section 361.5 in determining whether petitioner is entitled to reunification services. This decision is final forthwith. (Cal. Rules of Court, rule 24 (d).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.  
 MORRISON, J.

Civil SHEILA A. (Not for Publication)  
 No. v.  
 C029477 SUPERIOR COURT, SACRAMENTO COUNTY  
 DEPARTMENT OF HEALTH & HUMAN SERVICES, ET AL.

The petition is denied.

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.  
 MORRISON, J.

THURSDAY, JULY 30, 1998

Crim. THE PEOPLE  
 No. v.  
 C027842 WILLIAM JAMES HADLEY JR.  
 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: July 30, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026989 JOYCELYN DEE SMITH

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
 SCOTLAND, J.

Juvenile  
No.  
C028859

In re SCOTT T., a Person Coming Under the Juvenile Court Law.  
THE PEOPLE  
v.  
SCOTT T.

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, Acting P.J.  
NICHOLSON, J.

Civil  
No.  
C024694

ROBERT NARAYAN (Not for Publication)  
v.  
HOWARD KLEIN

The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Defendant shall reimburse plaintiff for his costs on appeal. (Cal. Rules of Court, rule 26 (a).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.  
CALLAHAN, J.

Civil  
NO.  
C026602

KATHI L. SLABONIK (Not for Publication)  
v.  
WELLS FARGO BANK ET AL.

The judgment and postjudgment orders awarding fees and denying plaintiff's motion to tax costs are affirmed. Defendants shall recover their costs on appeal.

SIMS, Acting P.J.

We concur: SCOTLAND, J.  
HULL, J.

Crim.  
No.  
C025212

THE PEOPLE (Not for Publication)  
v.  
DENNIS MULVEY

Defendant's conviction for second degree murder, and the accompanying special findings, are reversed. Defendant's conviction for carrying a concealed firearm is affirmed.

MORRISON, J.

We concur: SIIMS, Acting P.J.  
DAVIS, J.

THURSDAY, JULY 30, 1998 CONTINUED

Crim. THE EOPLE (Not for Publication)

No. v.

C027015 PETER BRIAN SHEARER

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.  
RAYE, J.

FRIDAY, JULY 31, 1998

Civil TINA DIPIERRO

No. v.

C027727 SHADOW GLEN RIDING STABLES

BY THE COURT:

Respondents' request to publish the opinion filed on July 2, 1998, is denied.

SIMS, ACTING P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C027834 JAMES LEONARD DAVIS

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C027398 JOSEPH PETER TAYLOR

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
RAYE, J.

FRIDAY, JULY 31, 1998 CONTINUED

Civil

No.

C027089

ELIZABETH CHRISTINA SUNIGA ET AL.

V.

(Not for Publication)

WILLIS CLEMENT HICKMAN ET AL.

The judgment is affirmed.

MORRISON, J.

We concur:

PUGLIA, P.J.

HULL, J.